

**EXHIBIT LRP2007-0004:A**

**ORDINANCE NO. 3161**

**AN ORDINANCE AMENDING TITLE 22 OF THE  
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE  
SECTION 22.112.020 RELATING TO THE NIPOMO MESA WATER  
CONSERVATION AREA**

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

**SECTION 1.** Section 22.112.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by revising subsections F2 and F3 to read as follows and renumbering all figures as necessary:

2. Landscape standards. The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area (NMWCA). Only those exceptions set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
  - a. Public projects. Development projects completed by a public agency that require a land use permit.
  - b. Other projects. All development projects not included in subsection 2a in and outside of urban and village reserve lines.
  - c. Irrigation Systems. Irrigation systems shall include the following components:
    - (1) Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
    - (2) Drip Irrigation. Drip irrigation systems shall be utilized for all landscape plant material with the exception of turf.
    - (3) A separate meter for outdoor water; and
    - (4) An operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

d. Turf area limits:

- (1) Multi Family dwellings: The site's total irrigated landscape area shall be limited to 300 square feet per unit.
- (2) All other projects: The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet. The review authority may approve exceptions to this requirement in order to allow the minimum amount of irrigated landscaped or turf area needed for schools, parks, and other uses that typically require larger irrigated landscape areas when the applicant can demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site .

3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.07.042.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 23rd day of September, 2008, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of

California, on the 21st day of October, 2008, by the following  
roll call vote, to wit:

AYES: Supervisors K.H. 'Katcho' Achadjian, Jerry Lenthall, Harry L. Ovitt,  
Bruce S. Gibson, Chairperson James R. Patterson

NOES: None

ABSENT: None

ABSTAINING: None

JAMES R. PATTERSON  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk of the Board of Supervisors  
County of San Luis Obispo, State of California

By: CMCHRISTENSEN - Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN  
County Counsel

By:   
Deputy County Counsel

Dated: 10.06.08

## **EXHIBIT LRP2007-0004B: FINDINGS**

### **Environmental Determination**

- A. The Environmental Coordinator has approved a Categorical Exemption for this proposal (Section 15307, Class 7). The proposed general plan amendment constitutes an action to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

### **Amendments**

- B. The proposed amendment to the Land Use Ordinance will limit the outside use of water by regulating landscape area and irrigation system design.
- C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the proposed planning area standards, program, and building requirements are consistent with the general goals of the Land Use Element.
- D. The proposed amendment is consistent with the guidelines for amendments to the Land Use Ordinance because the proposal will balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources by lowering use of water from the groundwater.
- E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing reducing the overall amount of used from the groundwater basin and by requiring inclusion of water conservation measures in all new construction.